

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY
Plaintiff

v.

ADP MARSHALL, INC., a FLUOR DANIEL
COMPANY and FIREMAN'S FUND
INSURANCE COMPANY
Defendants

v.

ALLIED CONSULTING ENGINEERING
SERVICES, INC., ANDOVER CONTROLS
CORPORATION, R&R WINDOW
CONTRACTORS, INC., and DELTA
KEYSPAN, INC. n/k/a DELTA
KEYSPAN, LLC, MADDISON
ASSOCIATES, INC., UNITED STATES
FIDELITY AND GUARANTY COMPANY
FIDELITY AND DEPOSIT OF MARYLAND
NATIONAL GRANGE MUTUAL
INSURANCE COMPANY, TRAVELERS
CASUALTY AND SURETY COMPANY OF
AMERICA, AMERICAN HOME
ASSURANCE COMPANY, HARTFORD
ROOFING COMPANY, INC. and
SPAGNOLO/GISNESS & ASSOCIATES,
INC.

Third-Party Defendants

C.A. NO. 04-CV-10203 PBS

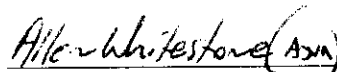
**THIRD-PARTY DEFENDANT DELTA KEYSPAN, LLC'S MOTION TO STRIKE
CERTAIN PORTIONS OF AND EXHIBITS TO THE AFFIDAVIT OF TOM HUGHES**

Third Party Defendant, Delta Keyspan, Inc., n/k/a Delta Keyspan, LLC ("Delta"), hereby moves to strike certain portions of and Exhibits to the Affidavit of Tom Hughes, submitted in support of the motion for summary judgment filed by Third-Party Plaintiff, ADP Marshall, Inc.

In support of its motion, Delta relies upon the legal authorities and arguments set forth in the accompanying Memorandum.

DELTA KEYSpan, INC., n/k/a
DELTA KEYSpan, LLC,

By Its Attorneys,

A handwritten signature in cursive script, appearing to read "Allen Whitestone (Asm)", is written over a horizontal line.

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CERTIFICATION

I hereby certify that I have mailed a copy of the within first class mail, postage prepaid on 2/1/05 day of January, 2005 to the following:

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